

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:08-CV-377-MR-DCK**

CARL J. CROOK,)
 Plaintiff,)
))
v.))
))
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
 Defendant.)
_____)

ORDER

THIS MATTER IS BEFORE THE COURT on Defendant’s “Consent Motion For Reversal And Remand Pursuant To Sentence Four Of 42 U.S.C. § 405(g)” (Document No. 11) filed November 20, 2008. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and immediate review is appropriate.

The Defendant, Michael Astrue, Commissioner of Social Security, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing his decision with a remand of the cause for further administrative proceedings.

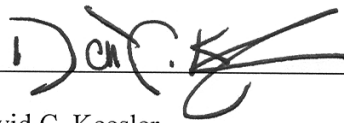
On remand, the Commissioner will assign this matter to an Administrative Law Judge (“ALJ”) who will reassess Plaintiff’s mental impairment and need for a low-stress work environment in light of the Disability Determination Services’ conclusion that Plaintiff’s mental impairment was nonsevere and in light of the fact that Plaintiff was not prescribed any anti-depressant medication. The ALJ will also consider Plaintiff’s obesity. The ALJ will reassess Plaintiff’s residual functional capacity, expressing all limitations, including any that might result from a need for a “low-stress”

work environment, in vocationally relevant terms pursuant to Social Security Ruling 85-15. The ALJ will obtain vocational expert testimony if appropriate.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand under sentence four of 42 U.S.C. § 405(g), this Court will REVERSE the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remand the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

IT IS, THEREFORE, ORDERED that Defendant's "Consent Motion For Reversal And Remand Pursuant To Sentence Four Of 42 U.S.C. § 405(g)" (Document No. 11) is **GRANTED**.

Signed: November 20, 2008



David C. Keesler
United States Magistrate Judge

